

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Leroy Luckette,)	C/A NO. 0:09-1101-CMC-PJG
)	
Petitioner,)	
)	ORDER
v.)	
)	
McKither Bodison, LCI Warden,)	
)	
Respondent.)	
_____)	

This matter is before the court on Petitioner's *pro se* motion for "Modification of Opinion and Order filed June [sic] 19, 2010" Mot. at 1 (Dkt. # 46, filed Aug. 9, 2010). Petitioner contends that he did not receive the Report and Recommendation ("Report") which was filed on June 17, 2010, until June 22, 2010, and that he mailed a motion for appointment of counsel and for an extension of time to respond to the Report on June 28, 2010. *Id.* No such motion is on file with the court. *See* D.S.C. C/A No. 0:09-1101-CMC-PJG.

The Report was filed on June 17, 2010. Objections to the Report were due by July 7, 2010. The petition was not dismissed as untimely until July 19, 2010, well after the expiration of time for the filing of objections.

In concluding Petitioner's application was untimely, this court conducted a review of the entire record of this matter.

Therefore, Petitioner's motion (Dkt. #46) is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 23, 2010